

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division – In Admiralty**

**IN THE MATTER OF THE COMPLAINT OF  
GOD’S MERCY, LLC, AS OWNER  
OF THE F/V GOD’S MERCY,**

**Civil Action No. 2:11-CV-426**

**MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW**

COMES NOW Jesse M. Suit, III, counsel of record for Claimant Peter Daniel Smith, and moves this Court for entry of an Order allowing Jesse M. Suit, III and the Law Firm of Kalfus and Nachman, P.C. to withdraw as counsel of record for Claimant Peter Daniel Smith, for the reasons set forth below:

1. Peter Daniel Smith (“Smith”) suffered injuries when he was struck by a ladder while working aboard the commercial fishing vessel GOD’S MERCY, owned and operated by the Limitation Plaintiff God’s Mercy, LLC (“God’s Mercy”), on or about July 31, 2010.

2. On July 18, 2011, Smith filed a Jones Act personal injury suit in Newport News Circuit Court against God’s Mercy.

3. On August 1, 2011, God’s Mercy filed this Limitation action and this Court issued an Order staying all other proceedings.

4. On December 5, 2011, the stay was lifted, upon appropriate stipulations filed by Smith, to allow Smith to pursue his Jones Act personal injury case in state court.

5. On June 27, 2013, undersigned counsel withdrew as counsel of record in Smith’s state court case due to irreconcilable differences and a conflict between Smith and counsel.

6. The irreconcilable differences and conflict that led counsel to withdraw from the state court litigation remain and therefore counsel (Jesse M. Suit, III and the law firm of Kalfus and Nachman, P.C.) are moving to withdraw from this Limitation case as well.

7. Counsel for Limitation Plaintiff has been contacted regarding the filing of this Motion and has no objection to this Motion to Withdraw.

WHEREFORE Claimant's counsel prays that this Court enter an Order allowing him and the law firm of Kalfus and Nachman, P.C. to withdraw as counsel for Claimant in this action.

**PETER DANIEL SMITH**

By: /s/ Jesse M. Suit, III  
Of Counsel

Jesse M. Suit, III, Esq. (VSB# 30503)  
Kalfus & Nachman, P.C.  
870 N. Military Highway, Suite 300  
P.O. Box 12889  
Norfolk, VA 23502-0889  
(757) 461-4900 telephone  
(757) 461-1518 facsimile  
jms@knlegal.com  
Counsel for Claimant Peter Daniel Smith

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2017, I electronically filed the foregoing Memorandum in Support of Motion to Withdraw with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following recipients:

David N. Ventker, Esq.  
Marissa M. Henderson, Esq.  
VENTKER HENDERSON, PLLC  
256 West Freemason Street  
Norfolk, VA 23510-1687  
(757) 625-1192  
(757) 625-1475 facsimile  
dventker@ventkerlaw.com  
mhenderson@ventkerlaw.com  
*Counsel of Record for God's Mercy, LLC*

I further certify that on October 23, 2017, I mailed a true and accurate copy of the foregoing Memorandum in Support of Motion to Withdraw to Claimant Peter Daniel Smith, via certified mail and regular first class mail, at his last known address:

Peter Daniel Smith  
P.O. Box 533  
Wicomico, VA 23184

/s/ Jesse M. Suit, III  
Jesse M. Suit, III, Esq. (VSB# 30503)  
Kalfus and Nachman, P.C.  
870 N. Military Highway, Suite 300  
P.O. Box 12889  
Norfolk, VA 23541-0889  
(757) 461-4900  
(757) 461-1518 facsimile  
jms@knlegal.com  
*Counsel for Claimant Peter Daniel Smith*